

BOARD OF DIRECTORS – ACTION SUMMARY
Wednesday, May 25, 2005 – 6:00 p.m.

Administration Building
2101 Hurley Way, Sacramento, CA

CALL TO ORDER

The meeting was called to order by President Granados. Board Members present: Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley. Staff: Fire Chief Martinez, General Counsel Price, Board Clerk Tilson.

PLEDGE TO FLAG

PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA

- Josh Pino stated the Fire Prevention notices on weed abatement will be going out and encouraged the District to set the example by cleaning up its fire station property sites in the Orangevale and Fair Oaks area.

In reference to the Sacramento Bee article, he spoke in favor of the helicopter as a valuable asset and suggested entering into a joint powers with the Cities of Sacramento and Folsom sharing the cost.

- Karen Klinger spoke in favor of the helicopter stating it is the tool that will get to the people in her neighborhood along the front line of the Watt Avenue bridge and provide safety.

Director Kelly stated he felt there is not a Board member here that doesn't see value in the helicopter. There just is a question on the cost and the need for proper information to make decisions.

Director Lawson stated he is supportive of this program and represents the largest perimeter along the American River. Just wants the facts and figures.

CONSENT AGENDA:**1. Board Meeting Action Summary—May 11, 2005**

- **Board Action:**
Kelly/Engellenner—approve Consent Agenda. Directors Duveneck, Engellenner, Goold, Granados, Kelly, Lawson, Trujillo, Valley, AYE. Director Jones, abstaining. Motion carried.

ACTION ITEM(S)**1. Ordinance—Revision of Capital Fire Facilities Impact Fee—(Appel)**

- President Granados declared a conflict of interest.
- Vice President Engellenner opened the public hearing on the proposed ordinance.

Project Manager Horel provided an update on the revised 20-year Master Plan. The Development Fee Forecast 2005 Update dated March 10, 2005 prepared by Williams-Kuebelbeck & Associates contained a revision in the number of stations from 14 to 22; remodels reduced from 23 to 14. Revised plan provides more flexibility to determine priorities as needed.

- In response to a question from Karen Klinger on treatment of infill in new construction, Deputy Chief Appel stated the impact development fee applies.
- Jim Kuebelbeck of Williams-Kuebelbeck & Associates, gave a slide presentation based on the 26-page revised plan.
 - Demonstrated an increase in the Development Fee from \$66,797,500 to \$89,986,000.
 - Amended Fee Schedule –

All non-sprinklered commercial development*	\$0.95
All sprinklered commercial development*	\$0.75
Single-family units and duplexes	\$0.56

*Includes all development except single-family and duplexes

At the end of each year according to the law, fees and costs to be reviewed to determine need for any adjustment and a fee update. Recommended review at the end of every five years for an overall update.

- No further comment, the public hearing was closed.

- **Board Action:**
Goold/Jones—adopt the ordinance. Directors Duveneck, Goold, Jones, Valley, AYE. Directors Engellenner, Kelly, Trujillo, Lawson, NO. Director Granados, abstaining. Motion failed.

Directors Kelly and Trujillo wanted more time to review the material and receive any input from other municipalities.

Contact the Board Clerk with specific questions to be given to appropriate staff for response.

- Ordinance to be republished.

- **Board Action:**
General consensus to reschedule to June 8.

2. Ordinance—Revision of Fire Prevention User Fees—(Appel)

- President Granados declared a conflict of interest.
- Deputy Chief Appel stated some late information was received this afternoon and recommended this item be rescheduled to June 8, 2005.
- Vice President Engellenner invited public comment, in accordance with the published notice.
- In response to inquiry from Karen Klinger, Deputy Chief Appel stated this is a user fee and not a tax for Fire Prevention services such as building and fireworks stand inspections, review of plans, etc.

The overall increase over the last five years is about 22%; statutory requirements are a 30-day notice to the public; contains a provision for waiver of fees for public agencies and community events.

- The proposed amendment provides for including an hourly rate for other inspections or services, and other plan review or services not covered.
- **Board Action:**
General consensus to reschedule to June 8.

3. Ordinance—Revision of Ambulance Transport/Service Fees—(Appel)

- Studies on the cost of providing the ambulance transport service are reflected by a change in rates: \$698.26 for the base transport service; \$16.19 for transport mileage.

Approximately a 16% increase since year 2000. The City of Sacramento charges a base rate of \$749.00 for ALS transport.

- Recommend as a matter of Board policy, all rates be reviewed annually for incremental adjustment.
- President Granados opened the public hearing. There being no public comment, the hearing was closed.

- **Board Action:**

Engellenner/Kelly—adopt the ordinance. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

4. Policy on Stolen District Property—(Trujillo/Lawson)

- Current policy requires a claim be filed for stolen District property under the employee's auto and homeowners or renters policy for reimbursement even if properly secured.

If District property is stolen when properly secured under lock and key, the proposed change provides that the District will handle any claim for employees/directors through its insurance carrier.

- **Board Action:**

Lawson/Goold—adopt the Policy. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

5. Resolution No. 17-05—Defined Benefits Retirement Plan Policy for District Employees—(Trujillo/Lawson)

- A resolution placing the District on record in opposition to changing from a Defined Benefits Plan to a proposed State-mandated Defined Contribution Retirement System was considered.
- Members of the Board expressed support of a Defined Benefits Retirement Plan and felt we need to protect our current and future employees; Director Goold in support of the concept and proposed some content change; Director Duveneck not in favor of the District taking a political position.
- Counsel Price stated he was on vacation and did not have an opportunity to review the Resolution but read it and there is nothing wrong from a legal standpoint. From a policy standpoint, it is a Board decision in terms of the Resolution content.
- Fire Captain Monahan, Vice President of Local 522, expressed appreciation to the Board members in support of the defined benefit plan for the firefighters and personnel who work for this District.
- **Board Action:**
Trujillo/Lawson—adopt the Resolution. Directors Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Duveneck, NO. Motion carried.

6. Status of Board Clerk—(Granados/Engellenner)

- President Granados noted that the Board and Administration occasionally have differences and the Board Clerk is caught in the middle attempting to serve all interests. He made a recommendation that the Board Clerk be employed by the Board.
- Directors Duveneck, Goold, and Jones commended the Board Clerk for excellent work but felt the position should remain under the administrative supervision of the Fire Chief. Director Valley stated the Board Clerk historically has been in both positions and it doesn't make much difference but trusts the Fire Chief to be in charge.
- Director Kelly was in support of the change and expressed concerns with the current arrangement.

- In response to Director Lawson, Counsel Price stated basically the Board would be taking on the same legal responsibilities as any other supervisor or employer under California law. Need to address issues relative to supervision.
- Karen Klinger, Bill Berry, and Josh Pino expressed concern and urged the Board to maintain the Board Clerk under the supervision of the Fire Chief instead of nine bosses.
- Director Trujillo stated he sits on the Department of Corrections Board and their executive secretary worked just for the Board and it is not anything new.
- Director Granados stated other cities, counties, and governmental agencies have executive secretaries who work strictly for an elected Board, including other fire districts. Details will be worked out with the Board Clerk reporting to the Executive Committee. Relative to liability, the Board ultimately is responsible for all of the District employees.
- Counsel Price provided clarification that if the Board decides to make the Board Clerk a contract employee a number of things need to be changed to include the job description and drafting of a contract.

President Granados stated a contract will be written.

- **Board Action:**
Engellenner/Trujillo—put the Clerk of the Board Charlotte Tilson under the direct control of the Board of Directors of Sacramento Metropolitan Fire and the direct supervisor to be the Executive Committee with details to be worked out later. Directors Engellenner, Granados, Kelly, Lawson, Trujillo, AYE. Directors Duveneck, Goold, Jones, Valley, NO. Motion carried by a 5-4 vote.

7. **Televised Board Meetings for Broadcast on Cable Television—(Martinez)**

[Taken Out of Order after Action Item #3]

- At a previous meeting, the financial impact of this issue was requested.
- Richard Esposto, Executive Director of the Sacramento Metropolitan Cable Television Commission, gave a brief background history of their organization stating they are responsible for Metro Cable 14, the Government Affairs channel. He stated 55% of the communities here subscribe to cable television.

Outlined approximate cost: depending on the number of staff required and length of the meetings, on average their cost is around \$70 per meeting hour assuming two people. Judging the average length of the meetings, ballpark figure of \$100-\$200 per meeting with cost reimbursement tied to the classification of the individuals on an actual hourly basis paid once a year. Recommended some key changes: acquire a PC-based character generator to place text at the bottom of the screen in the range of \$7,000-\$8,000 and a PC-based digital encoder in the \$4,000-\$5,000 range for automated playback instead of a DVD or VHS tape interface.

Metro 14 presents the meeting as it happened without any editing. Participation by satellite is not available but everything on Metro Cable 14 that goes out on the cable channel is simulcast on the web and can be watched through broadband. A copy of the meeting tape with the upgrades will be made available on DVD to the Clerk and the library.

Anticipate weekend replay slots but will have dates and times for routine replays once we get into the process.

- Fire Chief Martinez stated it is his intent to integrate the DVDs into the system and continue to distribute to the fire stations.
- Barbara Weiss and Karen Klinger both spoke in support of televising the Board meetings.
- **Board Action:**
Duveneck/Goold—motion for approval. Directors Duveneck, Goold, Kelly, Jones, Trujillo, Lawson, Valley, AYE. Directors Engellenner, Granados, NO. Motion carried by a 7-2 vote.

8. Chief Deputy Fire Chief Job Description—(Means)

- Deputy Chief Means provided a recap on the status of this issue. It was brought before the Board at its May 8 meeting for input. The issue was postponed to this meeting out of deference to the one director who had to leave early since it was a subject of concern for that director. If there is Board consensus to move forward on the concept of a job description for a Chief Deputy Fire Chief, direction is needed on a number of questions.
- Director Goold suggested policy language to include providing for designation of a senior staff member to be in charge in the absence of the Fire Chief and the current practice remain status quo.

Further suggested that a clearly identified staff member be designated to immediately assume operational capabilities in the case of an unforeseen catastrophic event, to alleviate the concern of some directors.

- Fire Chief Martinez explained that a memo was sent to All Personnel stating that Deputy Chief Ritter will be the Acting Chief when he is unavailable unless designated otherwise. The only weakness is a deep line of succession plan with a list of individuals by name in his absence.

In response to Director Engellenner on appointing someone to the position of Chief Deputy Fire Chief, Chief Martinez expressed a preference to rotate individuals for the second in command.

- **Board Action:**
General consensus to refer issue back to the Policy Committee with Fire Chief Martinez to identify a line of succession for consideration.

Karen Klinger spoke in support of Fire Chief Martinez preparing the line of succession.

Director Engellenner stated his proposal was made with the understanding that this will be an in-house promotion.

9. Outside Financial Audit—(Granados)

- This item was initially put on as a Strategic Objective with a decision to have a financial workshop, which was accomplished last week. He thanked Finance Director Houghton for providing one of the best budget presentations in his ten years on the Board and demonstrating how a budget is constructed.

The helicopter program is an issue that came up along with some other items and how we account for things.

- Fire Chief Martinez requested the Board consider an audit of the helicopter program not focused solely on the financials but also on the original needs assessment to determine from a strategic standpoint its continued use based on the costs being within the range of the District.

Further suggested a scope of work be developed.

- Director Trujillo expressed appreciation of the informative article in the Bee on the cost. He supported the helicopter as a great tool and would like to see the District partner with other agencies to pay for the helicopter but would not vote to close any fire stations to maintain the helicopter program if the District ever came to that point.

- Director Lawson expressed support of the program but wanted a full financial audit for the purpose of discovering if there are more ways to be accountable for the benefit of Metro Fire.
- Director Jones pointed out the reference made by Director Engellenner for reimbursement for mutual/automatic aid agreements and boundary drops which are another issue encompassing a large area of concern that will entail considerable discussion to include more than the helicopter.
- **Board Action:**
Granados/Lawson—refer to the Executive Committee to work with Finance Director Houghton and staff to develop a scope of work to do a financial audit and a program needs reassessment. Directors Duveneck, Engellenner, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Goold, NO. Motion carried 8-1.

10. **Outside Legal Counsel—(Granados)**

[Taken Out of Order after Action Item #6]

- President Granados distributed a handout containing a brief history on the subject and a proposal with two alternative options for consideration. Before the creation of Sacramento Metropolitan Fire District, previous fire boards used counsel hired at their discretion.

Some Board members have used outside counsel to evaluate legal issues that have come before the Board with directors using their own resources and Board members should not have to pay for this service.

Two alternatives were proposed, to include among other things:

1. The Board hire legal counsel strictly for the Board and each Director be granted access to that counsel on specific District-related questions with quarterly reporting requirements; or
2. Allot each member of the Board \$7,500 per year for District business. Legal service is part of this discretionary account.

This issue was brought forth as one of the adopted Strategic Objectives for Board direction.

- Pros and cons were voiced on the issue.
 - Director Kelly stated if a director has a concern and wants a second opinion, the Board member should have that ability, with Director Engellenner in favor of a second opinion.
 - Directors Goold and Jones supported Option 2, when implemented, using discretionary funds.

- Bill Berry, Barbara Weiss, and Karen Klinger all voiced opposition to the proposal for outside legal counsel.
- In response to Director Trujillo and public comment, Counsel Price clarified the fact that there is no requirement to post the agenda on the website. The Brown Act requires agenda items for discussion, not the supporting material, to be posted 72 hours before the meeting in a conspicuous place within the District. The Agenda is posted at Headquarters the Friday before the Wednesday meeting. Backup material such as staff reports are not always available at the time the agenda is posted and the Brown Act does not require backup materials to be posted with the agenda. The Brown Act requires any materials that the Board uses in its deliberations in a public meeting be made available for inspection. There is no requirement that materials be passed out or available in the back of the room. The Brown Act places the responsibility on the public to request to see a document. If a copy is requested, the Brown Act states it will be provided as soon as practical. Some agencies make the documentation available and require a Public Records Act request to get the document after the meeting.
- Directors Trujillo and Kelly recommended placement of a statement on our website that the Agenda is always posted 72 hours prior to the meeting at the Hurley District Headquarters to avoid confusion.
- **Board Action:**
Kelly/Lawson—refer back to the Executive Committee for further modification and refinement. Directors Engellenner, Granados, Kelly, Jones, Trujillo, Lawson, AYE. Directors Duveneck, Goold, Valley, NO. Motion passes 6-3 vote.

11. Confirmation of Director Duveneck as Board Director on the California Special Districts Association (CSDA)—(Engellenner)

No discussion.

PRESENTATION ITEM (S)

1. 2005-2006 Preliminary Budget—(Houghton)

- The Finance Committee approved the Preliminary Budget and referred it to the full Board.

- June 30 is the deadline for adoption and the Board has previously reviewed the budget at its Budget Workshop.
- Provided overview of Operating Expenditures and Annual Revenues. Approximately \$32 million in Reserves. Sufficient funds to cover operating expenditures and the anticipated Capital Improvement Program.
- The total Preliminary Budget is \$139,960,779.
- Staff recommends adoption of the Resolution approving the 2005/2006 Preliminary Budget.
- **Board Action:**
Goold/Lawson—adopt the Budget Resolution. Directors Duveneck, Engellenner, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Motion carried.

PRESIDENT’S REPORT—(Granados)

- Attended a fireworks and code hearing. The law in effect on defensible space now requires 100 feet instead of 30 feet clearance around homes.
- Monitoring disposal of illegal fireworks. The cost is around \$10.60 per pound. If the State attempts to shift this burden to the local jurisdictions, it will be a significant impact.

FIRE CHIEF’S REPORT—(Fire Chief Martinez)

- Need to schedule the Economic Planning and Development Committee presentation.

GENERAL COUNSEL’S REPORT—(Price)

- In response to President Granados on the Strategic Objectives, the Brown Act legal briefing will be conducted pending full Board availability and a light Agenda.

COMMITTEE AND DELEGATE REPORTS:

Executive Committee—(Granados)

- A meeting will be scheduled.

Communications Center Delegate—(Engellenner)

- Proposed contract for the Communications Center Manager will be considered at the Tuesday meeting.
- Interviews being conducted for the Manager of Operations.
Director Jones requested the Board be notified of the selection.
- Next meeting: May 31, 2005 – 10:30 AM

California Fire & Rescue Training Authority—(Goold)

- Next meeting: TBA

Finance Committee—(Jones)

- Report on today's meeting—Finance Director Houghton suggested the Finance and Policy Committees switch meeting dates starting July to provide the full Board a better opportunity to review the budget.
- Next meeting: June 22, 2005 – 5:00 p.m.

Policy Committee—(Trujillo)

- No problem switching meeting dates with the Finance Committee in July but will check with other committee members.
- Next meeting: June 8, 2005 – 5:00 p.m.

CLOSED SESSION 6:02 PM

[Taken Out of Order-First Item on the Agenda]

RECONVENE TO OPEN SESSION 6:07 PM

Report by General Counsel Price:

1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to California Government Code Section 54956.9(a) – Two (2) Cases

Donald Balm vs Sacramento Metropolitan Fire District
WCAB SAC 0320301

Timothy Martin vs Sacramento Metropolitan Fire District
WCAB SAC 0322971

The Board discussed the first case and provided settlement authority to the Workers' Compensation counsel. If and when there is a settlement, it will be announced at a future meeting in open session.

The Board did not consider the second case and it was continued to a future date.

BOARD MEMBER QUESTIONS AND COMMENTS:**Board:**

- Thanked the staff and public who attended.
- Wished everyone a safe holiday.

Goold:

- Requested colleagues to change the policy on the roll call vote with the electronic voting system in place.
- Supportive of a needs assessment not only for the helicopter program but in many District departments.
- Continue to revisit the idea of an Economic Development and Planning Division up and running.

Kelly:

- May 14, 2005 was the National Letter Carrier Food Drive. Thanked Fire Chief Martinez for coming out.

Trujillo:

- Thanked Finance Director Houghton for his report.
- Thanked Local 522 Vice President Monahan for supporting the resolution to maintain the Defined Benefits Pension Plan for the men and women who risk their lives daily.

Lawson:

- Director Kelly, Fire Chief Martinez, and he worked on the National Letter Carrier Food Drive. Thanked Chief Martinez for representing Metro Fire.
- Thanked the Local 522 Honor Guard who opened an event at the Sheraton Hotel on Monday at his request.
- Received Grants Application report. Thanked Metro Administration staff for their efforts in securing grants of about \$3 million.

Granados:

- Budget by Divisions for the next meeting.

ADJOURNMENT – Meeting adjourned at 11:05 p.m.

Gregory A. Granados, President

Matt Kelly, Secretary

Charlotte Tilson, Clerk of the Board